

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEAGUE OF WOMEN VOTERS
OF MICHIGAN, et al.,

Plaintiffs,

v.

RUTH JOHNSON, in her official
Capacity as Michigan
Secretary of State, et al.,

Defendants.

Case No. 2:17-cv-14148

Hon. Eric L. Clay
Hon. Denise Page Hood
Hon. Gordon J. Quist

**VOTERS' UNOPPOSED
APPLICATION FOR LEAVE TO
EXCEED PAGE LIMIT FOR
VOTERS' RESPONSE BRIEF**

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Counsel for Voters

**Voters' Unopposed Application For Leave
To Exceed Page Limit For Voters' Response Brief**

Plaintiffs, League of Women Voters of Michigan, Roger J. Brdak, Frederick C. Durhal, Jr., Jack E. Ellis, Donna E. Farris, William "Bill" J. Grasha, Rosa L. Holliday, Diana L. Ketola, Jon "Jack" G. Lasalle, Richard "Dick" W. Long, Lorenzo Rivera, and Rashida H. Tlaib (collectively "Voters"), pursuant to E.D. Mich LR 7.1(d)(3)(A), respectfully apply to the Court for leave to file a brief responding to defendants' dispositive motions that is longer than 25 pages. In support, Voters state as follows:

1. On September 21, 2018, Defendant Secretary of State Ruth Johnson filed a motion to dismiss and for summary judgment. [ECF No. 119] The text of the brief supporting her motion totaled fifty (50) pages.

2. An unopposed application to exceed the 25-page limit under E.D. Mich LR 7.1(d)(3)(A) accompanied Secretary Johnson's brief. [ECF No. 118] In her application, Secretary Johnson also asked the Court to allow Voters leave to file a response brief not to exceed fifty (50) pages. *Id.* at 3. Her application is pending before the Court.

3. Also on September 21, Congressional Intervenors filed a motion for summary judgment. [ECF No. 121] The text of the brief supporting their motion totals 25 pages.

4. Under E.D. Mich LR 7.1(d)(3)(A) and (E), Voters would be permitted to file two briefs not exceeding 25 pages in response to the defendants' dispositive motions. To avoid the inconvenience, repetition, and possibility of confusion inherent in cross-

referencing or incorporations by reference among multiple briefs, Voters prefer to file a single response brief that does not exceed 75 pages.

5. Voter's agree with Secretary Johnson that (a) the issues presented in these motions involve extensive factual and legal analysis, (b) substantial briefing is necessary to address them, and (c) the consequences have great public significance. Secretary's Application ¶ 2. For these reasons alone, Voter's reasonably require leave to submit a brief exceeding the 25-page limit.

6. Fairness also supports allowing Voters the same number of total pages within which to address the arguments, legal authorities, and evidence discussed in defendants' supporting briefs.

7. **Local Rule 7.1(a) Statement.** Undersigned counsel for Voters communicated today with counsel for Secretary Johnson and with counsel for Congressional Intervenors about this application for leave to file a single response brief of up to 75 pages. Undersigned counsel is authorized to report to the Court that defendants do not oppose Voters' application, so long as Voters ask the Court to allow Secretary Johnson leave to file a reply that does not exceed 14 pages. Voters have no objection to her request.

WHEREFORE, pursuant to E.D. Mich LR 7.1(d)(3)(A), Voters respectfully apply for leave to file a single brief responding to defendants' dispositive motions that contains text that does not exceed 75 pages, including footnotes and signatures, and also to grant

Defendant Ruth Johnson leave to file a reply brief that does not exceed 14 pages, including footnotes and signatures.

Respectfully submitted,

Date: October 10, 2018

/s/ Joseph H. Yeager, Jr.

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Counsel for Voters

Certificate of Service

I hereby certify that on October 10, 2018, I caused to have electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notification of such filing to all counsel of record in this matter.

Respectfully submitted,

/s/ Joseph H. Yeager, Jr.